

In re PATENT APPLICATION of
Inventor(s): KING et al.

MAR

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1992

Appn No.: 07 /110,791
series code ↑ ↑ serial No. 1

Filed: October 21, 1987

Title: A HUMAN GENE RELATED TO BUT
DISTINCT FROM EGF RECEPTOR GENE

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

FEES REQUIREMENTS FOR CLAIMS AS AMENDED

1. "Small Entity" statement(s) filed [] previously [] herewith(<u>(No.)</u>)	Claims remaining after amendment	Highest number previously paid for	Present	Additional Fee
2. Total Effective Claims * <u>24</u>	minus ** <u>24</u>	= <u>0</u>	X \$20/\$10	= \$ <u>0.00</u>
3. Independent Claims * <u>8</u>	minus *** <u>8</u>	= <u>0</u>	X \$72/\$36	= \$ <u>0.00</u>
4. If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time (leave <u>blank</u> if this is a <u>reissue</u> appln) add \$220/\$110				+ _____
5. <u>Original</u> due date: [] None; [X] <u>(date)</u> March 3, 1992				
6. Petition is hereby made to extend the <u>original</u> due date to cover the date this response is filed for which the requisite fee is attached (Large/Small Entity: 1 month \$110/\$55; 2 months \$350/\$175; 3 months \$810/\$405):				+ _____
7. If <u>Terminal Disclaimer</u> attached, add Rule 20(d) Official fee (\$110/\$55)-----				+ _____
8.			Subtotal	\$ <u>0.00</u>
9. Enter any previous extension fee <u>paid</u> since above <u>original</u> due date (item 5) and <u>subtract</u>				- _____
10.			TOTAL FEE ATTACHED	\$ <u>0.00</u>

11. *If the entry in this space is less than entry in the next space, the "Present Extra" result is "0".

12. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

13. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

ATTACHED: Information Disclosure Statement, Form PTO-1449
and cited references.

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#18681

Query: Is appeal deadline now? If so, file Notice of Appeal separately.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KING et al.

Group Art Unit: 1807

Appln. No.: 07/110,791

Examiner: MARSCHEL, A

Filed: October 21, 1987

Title: A HUMAN GENE RELATED TO BUT
DISTINCT FROM EGF RECEPTOR GENE

* * * * *

March 3, 1992



R E S P O N S E

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

This is in response to the Office Action dated
December 3, 1991, in the above-identified matter.

REMARKS

Reconsideration and Allowance of the above-referenced
application are respectfully requested.

Claims 14, 26, 29, 40, 41, and 44-60 stand rejected under
35 U.S.C. 101 because the instant disclosure allegedly lacks both
the necessary diagnostic and prognostic data to support the
claimed diagnostic and prognostic utility.

The Applicants would like to draw the Examiner's
attention to Paik et al. (1990) J. of Clinical Oncology 8(1):103-